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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**

7 Case No. 3:23-CV-04597-EMC
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10 **ASHLEY GJOVIK, an individual,**
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12 Plaintiff,

13 v.

14 **APPLE INC, a corporation,**
15

16 Defendant.

17 **PLAINTIFF'S MEMORANDUM OF**
18 **POINTS & AUTHORITIES**

19 **IN OPPOSITION TO DEFENDANT'S**

20 **MOTION TO DISMISS**

21 Fed. R. Pro. 12(b)(6)

22 **HEARING:**

23 Dept: Courtroom 5, 17th Floor (Virtual)

24 Date: May 16, 2024

25 Time: 1:30 p.m.

[PROPOSED] ORDER DENYING DEFENDANT'S MOTION TO DISMISS

Pending before the Court is Defendant Apple, Inc.'s Motion to Dismiss partial claims in Plaintiff's Third Amended Complaint.

Having considered the moving and opposition papers, arguments, and all other matters presented to the Court, the Court finds that Plaintiff Ashley Gjovik has alleged sufficient facts to state claim upon which relief may be granted for all claims..

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Failure to State a Claim for
is denied in its entirety. Plaintiff's claims may proceed.

Dated: _____

JUDGE EDWARD M. CHEN

U.S. DISTRICT COURT JUDGE